



# CITY COUNCIL Agenda

Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

July 27, 2021, 6 p.m.  
Regular Meeting

## Welcome to Your City Council Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

## How to Watch

The City of Carlsbad provides three ways to watch a City Council meeting:

### In Person



Most City Council meetings take place at City Hall, 1200 Carlsbad Village Drive

### On TV



Watch live and replays of meetings on Charter Spectrum channel 24 and AT&T U-verse channel 99

### Online



Watch the livestream and replay past meetings on the city website, [www.carlsbadca.gov](http://www.carlsbadca.gov)

## How to Participate

If you would like to provide comments to the City Council, please:

- Fill out a speaker request form, located in the foyer.
- Submit the form to the City Clerk before the item begins.
- When it's your turn, the City Clerk will call your name and invite you to the podium.
- Speakers have three minutes, unless the presiding officer (usually the mayor) changes that time.
- You may not give your time to another person, but groups can select a single speaker as long as three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer or the City Council.

## Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. Please contact the City Manager's Office at 760-434-2821 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or [manager@carlsbadca.gov](mailto:manager@carlsbadca.gov) by noon on the Monday before the meeting to decide.

**More information about City Council meeting procedures can be found at the end of this agenda and in the Carlsbad Municipal Code chapter 1.20.**

*The City Council also sits as the Carlsbad Municipal Water District Board, Public Financing Authority Board, Community Development Commission and Successor Agency to the Redevelopment Agency. When considering items presented to the Carlsbad Municipal Water District Board, each member receives an additional \$100 per meeting (max \$300/month). When considering items presented to the Community Development Commission each member receives an additional \$75 per meeting (max \$150/month).*

**CALL TO ORDER:** 6 p.m.

**ROLL CALL:** Hall, Blackburn, Acosta, Bhat-Patel.

**ANNOUNCEMENT OF CONCURRENT MEETINGS:** City Council is serving as the Carlsbad Municipal Water District Board of Directors on Consent Item No. 4.

**INVOCATION:** None.

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Blackburn led the Pledge of Allegiance.

**APPROVAL OF MINUTES:** None.

**PRESENTATIONS:**

Proclamation in Recognition of Traffic and Mobility Commissioner Chuck Hunter

**ACTION:** This item was continued to the Aug. 17, 2021 City Council meeting.

**PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION:** No reportable action.

**PUBLIC COMMENT:** *The Brown Act allows any member of the public to comment on items not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act and California Executive Order No. N-29-20, a total of 15 minutes is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The City Council will receive comments as requested up to a total of 15 minutes in the beginning of the meeting. All other comments will be heard at the end of the meeting. In conformance with the Brown Act, no action can occur on these items.*

**CONSENT CALENDAR:** *The items listed under Consent Calendar are considered routine and will be enacted by one motion as listed below. There will be no separate discussion on these items prior to the time the Council votes on the motion unless members of the Council, the City Manager, or the public request specific items be discussed and/or removed from the Consent Calendar for separate action.*

**WAIVER OF ORDINANCE TEXT READING:**

This is a motion to waive the reading of the text of all ordinances and resolutions at this meeting.

1. ADVERTISE FOR BIDS FOR THE CARLSBAD POLICE AND FIRE HEADQUARTERS RENOVATION PROJECT, CIP PROJECT NO. 4715 – Adoption of a resolution approving the plans, specifications and contract documents and authorizing the City Clerk to advertise for bids for the Carlsbad Police and Fire Headquarters Renovation Project, CIP Project No. 4715. (Staff contact: Steven Stewart, Public Works and Mickey Williams, Police Department)

**ACTION:** Adopted Resolution No. 2021-178 – 4/0.

2. SAN DIEGO GAS & ELECTRIC SAVINGS BY DESIGN PROGRAM FOR THE POLICE AND FIRE HEADQUARTERS RENOVATION PROJECT, CIP PROJECT NO. 4715 – Adoption of a resolution authorizing the Deputy City Manager, Public Works to execute an agreement for participation in the San Diego Gas & Electric Savings by Design Program for the Police and Fire Headquarters Renovation Project, CIP Project No. 4715. (Staff contact: Steven Stewart, Public Works and Mickey Williams, Police Department)

**ACTION: Adopted Resolution No. 2021-179 – 4/0.**

3. APPROPRIATE \$1,776,000 IN CALTRANS ACTIVE TRANSPORTATION PROGRAM GRANT FUNDING FOR THE AVENIDA ENCINAS COASTAL RAIL TRAIL AND PEDESTRIAN IMPROVEMENTS PROJECT, CIP PROJECT NO. 6004 – Adoption of a resolution authorizing the City Manager to accept and appropriate the California Department of Transportation Active Transportation Program grant for construction of the Avenida Encinas Coastal Rail Trail and Pedestrian Improvements Project, CIP Project No. 6004, and authorizing the City Manager to execute all necessary grant documents. (Staff contact: Nathan Schmidt and Tom Frank, Public Works)

**ACTION: Adopted Resolution No. 2021-180 – 4/0.**

4. AWARD OF CONTRACT TO C.C.L. CONSTRUCTION, INC. FOR CONSTRUCTION OF THE ALTAMIRA WATER MAIN RELOCATION PROJECT, CIP PROJECT NO. 3904-F – Adoption of a Carlsbad Municipal Water District Board of Directors resolution adopting the plans and specifications, accepting bids and awarding a construction contract to C.C.L. Construction, Inc. for construction of the Altamira Water Main Relocation, CIP Project No. 3904-F, in an amount not to exceed \$209,600. (Staff contact: Vicki Quiram and Dave Padilla, Public Works)

**ACTION: Adopted CMWD Resolution No. 1662 – 4/0.**

5. FISCAL YEAR 2020 URBAN AREA SECURITY INITIATIVE GRANT PROGRAM – Adoption of a resolution accepting funds for Fiscal Year 2020 Urban Area Security Initiative Grant Fund Program. (Staff contact: Nate Pearson, Fire Department)

**ACTION: Adopted Resolution No. 2021-181 – 4/0.**

6. LEASE AGREEMENT WITH NEW VILLAGE ARTS TO OPERATE A THEATER AND ARTS FACILITY AT 2787 STATE STREET – Adoption of a resolution authorizing the City Manager to execute a ten-year lease agreement, with two, five-year extension options, with New Village Arts to operate a theater and arts facility at 2787 State Street, commonly known as the Bauer Lumber building; appropriate \$613,000 from the general capital construction fund to the project; and execute a construction agreement with NVA that will detail the terms of reimbursement for the city's portion of the tenant improvement project. (Staff contact: Curtis Jackson, Community Services Department)

**ACTION: Adopted Resolution No. 2021-182 – 4/0.**

**ORDINANCES FOR INTRODUCTION:** None.

**ORDINANCES FOR ADOPTION:**

7. ORDINANCE NO. CS-398 AMENDING CARLSBAD MUNICIPAL CODE SECTION 10.40.046 TO RESTRICT OVERNIGHT PARKING ON AVENIDA ENCINAS – Adoption of Ordinance No. CS-398 amending Section 10.40.046 of the Carlsbad Municipal Code to establish no parking zones along both sides of portions of Avenida Encinas, Macadamia Drive and Raintree Drive between the hours of 11 p.m. and 5 a.m. (Staff contact: Faviola Medina, City Clerk's Department)

**City Manager's Recommendation:** Adopt the ordinance.

**ACTION: Adopted Ordinance No. CS-398 – 4/0.**

**PUBLIC HEARINGS:**

8. 2021 HAZARD REDUCTION COST REPORT – Adoption of a resolution accepting the 2021 Hazard

Reduction Cost Report and directing the City Clerk to file a certified copy of the resolution and report with the San Diego County Auditor. (Staff contact: Randy Metz, Fire Department)

**City Manager's Recommendation:** Take public input, close the public hearing and adopt the resolution.

**ACTION: Adopted Resolution No. 2021-183 – 4/0.**

9. A PROPOSED FOUR-UNIT RESIDENTIAL AIR-SPACE CONDOMINIUM PROJECT LOCATED AT 635 PINE AVENUE – Adoption of a resolution approving a Site Development Plan and Tentative Parcel Map to demolish an existing single-family home and construct a four-unit residential air-space condominium on a 0.19-acre site located at 635 Pine Avenue in the Pine-Tyler Mixed-Use District of the Village and Barrio Master Plan and within Local Facilities Management Zone 1. (Staff contact: Esteban Dana, Community Development)

**City Manager's Recommendation:** Take public input, close the public hearing and adopt the resolution.

**ACTION: Adopted Resolution No. 2021-184 – 3/1 (Hall – Absent).**

#### **DEPARTMENTAL AND CITY MANAGER REPORTS:**

10. SEMIANNUAL TRANSPORTATION REPORT – Receive a semiannual transportation report and provide direction to staff as appropriate. (Staff contact: Tom Frank, Public Works)

**City Manager's Recommendation:** Receive the report and provide direction as appropriate.

**ACTION: Council received the report.**

11. TRAFFIC AND MOBILITY COMMISSION WORK PLAN FOR FISCAL YEAR 2021-22 – Adoption of a resolution approving the Traffic and Mobility Commission Work Plan for Fiscal Year 2021-22. (Staff contact: Nathan Schmidt, Public Works)

**City Manager's Recommendation:** Adopt the resolution.

**ACTION: Adopted Resolution No. 2021-185 – 4/0.**

12. FISCAL YEAR 2021-22 INTERNAL AUDIT PLAN – Adoption of a resolution approving the Fiscal Year 2021-22 Internal Audit Plan. (Staff contact: Robert Threatt and Laura Rocha, Administrative Services Department)

**City Manager's Recommendation:** Adopt the resolution.

**ACTION: Adopted Resolution No. 2021-186 – 4/0.**

13. APPOINTMENT PROCESS FOR CITY COUNCIL DISTRICT NO. 1 VACANCY – By minute motion: 1) Approve the application and procedures for the appointment process and provide direction as necessary; and  
2) Approve adjusting the Aug. 24, 2021, City Council meeting to begin at 4 p.m. and to be held in person in the City Council Chamber. (Staff contact: Faviola Medina, City Clerk's Department, Sheila Cobian, City Manager's Department and Cindie McMahon, City Attorney's Office)

**City Manager's Recommendation:** Make the minute motion.

**ACTION: City Council provided direction to staff (see minutes for details).**

**COUNCIL COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS:**

**City Council Regional Assignments (Revised 1/12/21)**

<b>Matt Hall</b> <b>Mayor</b>	North County Mayors and Managers Chamber of Commerce Liaison (primary) San Diego County Water Authority SANDAG Board of Directors (primary) City Council Legislative Subcommittee Economic Development Subcommittee Homeless Action Committee
<b>Keith Blackburn</b> <b>Mayor Pro Tem – District 2</b>	Buena Vista Lagoon JPC Encina Joint Powers JAC Encina Wastewater Authority Board of Directors SANDAG Board of Directors (2 <sup>nd</sup> alternate) SANDAG Shoreline Preservation Working Group (alternate) Carlsbad Municipal Code and City Council Policy Update Subcommittee
<b>Priya Bhat-Patel</b> <b>Council Member – District 3</b>	SANDAG Board of Directors (1 <sup>st</sup> alternate) SANDAG Shoreline Preservation Working Group (primary) North County Transit District (primary) City/School Committee Clean Energy Alliance JPA (primary) League of California Cities – SD Division (alternate) Economic Development Subcommittee
<b>Council Member – District 1</b>	Buena Vista Lagoon JPC Encina Joint Powers JAC Encina Wastewater Authority Board of Directors League of California Cities – SD Division North County Dispatch Joint Powers Authority (alternate) Carlsbad Municipal Code and City Council Policy Update Subcommittee Homeless Action Subcommittee
<b>Teresa Acosta</b> <b>Council Member – District 4</b>	City/School Committee Chamber of Commerce Liaison (alternate) Encina Wastewater Authority Board of Directors (alternate) North County Dispatch Joint Powers Authority City Council Legislative Subcommittee Clean Energy Alliance JPA (alternate) North County Transit District (alternate)

**PUBLIC COMMENT:** Continuation of the Public Comments

*This portion of the agenda is set aside for continuation of public comments, if necessary, due to exceeding the total time allotted in the first public comments section. In conformance with the Brown Act, no Council action can occur on these items.*

## **ANNOUNCEMENTS:**

This section of the Agenda is designated for announcements to advise the community regarding events that Members of the City Council have been invited to, and may participate in.

## **CITY MANAGER COMMENTS:**

## **CITY ATTORNEY COMMENTS:**

## **ADJOURNMENT: 8:33 p.m.**

## **City Council Meeting Procedures (*continued from page 1*)**

### **Written Materials**

Written materials related to the agenda that are submitted to the City Council after the agenda packet has been published will be available for review prior to the meeting during normal business hours at the City Clerk's office, 1200 Carlsbad Village Drive and on the city website. To review these materials during the meeting, please see the City Clerk

### **Visual Materials**

Visual materials, such as pictures, charts, maps or slides, are allowed for comments on agenda items, not general public comment. Please contact the City Manager's Office at 760-434-2820 or [manager@carlsbadca.gov](mailto:manager@carlsbadca.gov) to make arrangements in advance. All materials must be received by the City Manager's Office no later than noon the day before the meeting. The time spent presenting visual materials is included in the maximum time limit provided to speakers. All materials exhibited to the City Council during the meeting are part of the public record. **Please note that video presentations are not allowed.**

### **Decorum**

All participants are expected to conduct themselves with mutual respect. Loud, boisterous and unruly behavior can interfere with the ability of the City Council to conduct the people's business. That's why it is illegal to disrupt a City Council meeting. Following a warning from the presiding officer, those engaging in disruptive behavior are subject to law enforcement action.

### **City Council Agenda**

The City Council follows a regular order of business that is specified in the Carlsbad Municipal Code. The City Council may only make decisions about topics listed on the agenda.

### **Presentations**

The City Council often recognizes individuals and groups for achievements and contributions to the community. Well-wishers often fill the chamber during presentations to show their support and perhaps get a photo. If you don't see an open seat when you arrive, there will likely be one once the presentations are over.

### **Consent Items**

Consent items are considered routine and may be enacted together by one motion and vote. Any City Council member may remove or "pull" an item from the "consent calendar" for a separate vote. Members of the public may pull an item from the consent calendar by requesting to speak about that item. A speaker request form must be submitted to the clerk prior to the start of the consent portion of the agenda.

### **Public Comment**

Members of the public may speak on any city related item that does not appear on the agenda. State law prohibits the City Council from taking action on items not listed on the agenda. Comments requiring follow up will be referred to staff and, if appropriate, considered at a future City Council meeting. Members of the public are also welcome to provide comments on agenda items during the portions of the meeting when those items are being discussed. In both cases, a request to speak form must be submitted to the clerk in advance of that portion of the meeting beginning.

### **Public Hearing**

Certain actions by the City Council require a "public hearing," which is a time within the regular meeting that has been set aside and noticed according to different rules.

## **Departmental Reports**

This part of the agenda is for items that are not considered routine and do not require a public hearing. These items are usually presented to the City Council by city staff and can be informational in nature or require action. The staff report about each item indicates the purpose of the item and whether or not action is requested.

## **Other Reports**

At the end of each meeting, City Council members and the city manager, city attorney and city clerk are given an opportunity to share information. This usually includes reports about recent meetings, regional issues, and recent or upcoming meetings and events.

## **City Council Actions**

### **Resolution**

A resolution is an official statement of City Council policy that directs administrative or legal action or embodies a public City Council statement. A resolution may be introduced and adopted at the same meeting. Once adopted, it remains City Council policy until changed by subsequent City Council resolution.

### **Ordinance**

Ordinances are city laws contained in the Carlsbad Municipal Code. Enacting a new city law or changing an existing one is a two-step process. First, the ordinance is “introduced” by city staff to the City Council. If the City Council votes in favor of the introduction, the ordinance will be placed on a subsequent City Council meeting agenda for “adoption.” If the City Council votes to adopt the ordinance, it will usually go into effect 30 days later.

### **Motion**

A motion is used to propose City Council direction related to an item on the agenda. Any City Council member may make a motion. A motion must receive a “second” from another City Council member to be eligible for a City Council vote.